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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDWARD EDWARDS,

Defendant.

2:06-cr-0055-LDG-RJJ

ORDER

This matter comes before the court on defendant Edward's motion to dismiss the indictment for post-indictment delay (#13). The magistrate judge issued a report recommending that the motion be denied (#21, objections #23, response #24). The court finds that the report and recommendation should be adopted.

Edwards was indicted on February 15, 2006. Since Edwards was not arrested until almost one year after his indictment due to the inaction of the government, and invoked his speedy trial right, the delay is presumptively prejudicial. The magistrate judge, however, properly analyzed the prejudice from the delay. Edwards was not incarcerated and presumably unaware of the charges pending against him. Furthermore, Edwards did not identify in his objections, nor is there any specific showing in the record, that his defense has been impaired by the delay.

Accordingly, for the reasons expounded by the magistrate judge,

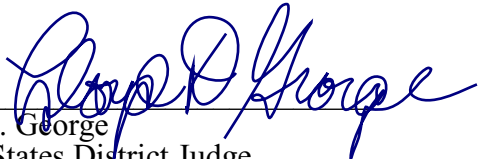
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1 THE COURT HEREBY ORDERS that the report and recommendation (#21) is
2 ADOPTED, and that Edwards' motion to dismiss the indictment for post-indictment delay (#13) is
3 DENIED.

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5 DATED this 13 day of June, 2007.

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8 Lloyd D. George
United States District Judge
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